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H – 658

International Court of Justice

H0658 - 0002

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Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании трибунала и только ту часть, которая представлена в качестве доказательства.

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I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946,

Ich bestaetige , dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

A. v. Müller

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

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D O C U M E N T B O O K III

for the Defense

of the Defendant Grand Admiral Karl D o e n i t z

submitted by the defense counsel

H0658 - 0005

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Filed May 10

Doenitz 54

Excerpt

from

"Documents of German Politics", Volume 4

Page 168:

27. Note of Ambassador von Ribbentrop to the English Secretary for Foreign Affairs Vansittart concerning Germany's joining the Agreement on Submarine Warfare of 6 November 1936.

In a communication dated the 5th of this month, the Royal British Ambassador in Berlin sent the Reich Foreign Minister a copy of a protocol signed in London on 6 November 1936 concerning the rules of submarine warfare in accordance with Part IV of the London Treaty of 22 April 1930 and in doing so expressed the hope in the name of his government that the German government will agree to the mentioned rules.

These rules are: " 1) In proceeding against merchant ships, submarin must act in accordance with the rules of International Law to which surface ships are subjected. 2) In particular, with the exception of the case of continued refusal to stop after the proper demand to do so has been made or the case of actual resistance against inspection or search, a warship or surface ship or submarine must not sink a merchant ship or make it unfit for navigation without first taking the passengers, the crew, and the ship's papers to a safe place. For this purpose the boats of the ship are not regarded as a safe place unless the safety of the passengers and the crew is guaranteed, considering the prevailing sea and weather conditions, by the proximity of land or by the presence of another ship which is in a position to take them aboard."

On the occasion of the German-English naval negotiations, the German government stated in the synopsis of the discussions between the German and English naval experts on 25 June 1935 its readiness to agree to the provisions on submarine warfare of Part IV of the London Naval Armament Treaty.

Accordingly I have the honor of stating on behalf of my government that the German government agrees to the rules [illegible] cited above and accepts them as binding for it as of today.

signed von Ribbentrop

Excerpt

from

Reichsgesetzblatt 1939, Part I

No.161, Page 1585 ff.

P r i z e O r d i n a n c e

of 28 August 1939

.....

Eleventh Section

Procedure in Applying the Law Concerning Prizes.

.....

Destruction of Vessels and Goods.

Article 72:

Captured enemy vessels may be destroyed if taking them into port seems unsuitable or unsafe.

Article 73:

(1) Captured neutral vessels may be stroyed if

1) their seizure took place for sailing in an enemy convoy, for resisting by force or for hostile support and

2) their being taken into port seems unsuitable or unsafe.

(2) By way of exception, neutral vessels which have been seized for other reasons than those mentioned in paragraph 1 No. 1 may also be destroyed if

1) their confiscation is to be expected with certainty and

2) their being taken into port could expose the capturing vessel to danger or prejudice the success of the undertakings in which it is engaged.

Article 74:

(1) The destruction of vessels pursuant to Articles 72 and 73 is permissible only if passengers, crew, and papers of the vessel have been taken to a safe place before the destruction.

(2) Boats of a ship are not considered a safe place unless the safety of passengers and crew,

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H0658 - 0015

considering the prevailing sea and weather conditions, is guaranteed, by the proximity of land or the presence of another vessel which is in a position to take them aboard.

.....

Berlin,
28 August 1939.

The Fuehrer and Reich Chancellor
Adolf Hitler
The Chief of the High Command of the Wehrmacht
Keitel
The Reich Foreign Minister
von Ribbentrop
The Reich Minister of Justice
Dr. Guertner

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Tribel May 10

Excerpt

from

War Diary of the Naval War Command ("Seekriegsleitung) 1939

(KTB Skl Part C Issue VIII 1939)

(War Diary Naval War Command)

3 September 1939

.....

The battle directives for the Navy specify according to which rules of International Law naval warfare is to start in the beginning.

Principle: Strict respect for all rules of neutrality issued by the individual states and compliance with all agreements of International Law which are generally recognized. As regards trade war, procedure in accordance with the new Prize Ordinance (see Enclosure 1).

A special operations order has been issued for submarines. Primarily, troop transports are to be attacked, also convoys and vessels participating in actions or directly supporting enemy operations (see Enclosure 1, Page 3).

A special order has been drawn up as a preparatory measure for rendering more severe the trade war.

Special situation concerning Poland: Since the actions against Poland are not taken as war measures, no steps will be taken against Polish merchant ships in the sense of International Law according to the Prize Ordinance. At first Polish merchant ships will be confiscated. As to their further use, a decision will be made in later settlement with Poland.

.....

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(KTB Skl Part C Issue VIII 1939)

(War Diary Naval War Command)

*** Enclosure 1

.....

II. From the "Operation Order of the FdU (Commander of the Submarine Fleet?) for Submarines in the Atlantic."

Until danger zones are designated, trade war in accordance with the"New Draft of the Prize Ordinance."

As long as trade war is to be waged in accordance with the Prize Ordinance, first of all such ships are to be attacked which also in this case may be sunk without warning, i.e.:

1) troop transports, i.e. vessels on which troops or war materiel is observed or which are recognized otherwise as troop transports,
2) vessels convoyed by enemy warships or planes,
3) vessels participating in actions or directly supporting enemy operations for instance by giving information.

Participation in actions is to be presumed already in case a merchant ship prepares for resistance or takes measures which are regarded as endangering the submarine.

Prepared Order for Rendering the Trade War More Severe Because of the Arming of Enemy Merchant Ships.

1.) The arming of the majority of English and French merchant ships, and therefor resistance, is to be expected.
2.) Submarines are to stop merchant ships only if a danger to the submarine seem impossible. Submarines are permitted to attack without any warning merchant ships positively recognized as enemy ships.
3.) Pocket battleships (Panzerschiffe) and auxiliary cruisers are to consider possibility of use of guns by merchant ships when stopping them.

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Filed May 10

DOENITZ 56

Excerpt

from

War Diary of the Naval War Command (Seekriegsleitung) 1939.

(KTB Skl Teil A 1939)

(War Diary Naval War Command)

9 September 1939 English information office disseminates the news through Reuter that Germany has opened unlimited submarine warfare.

.....

H0658 - 0019

Read May 10

D 662 - GB 222 -

Excerpt
from
War Diary of the Submarine U 30

(KTB U 30 22 August - 27 September 1939)

11 Sept. 0330 Wind 2, sea 1 - 2
dark night, overcast
Qu. A M 4458
Sighted a vessel with lights dimmed. Trailed. In zig-zag course recognized as a merchant ship. Requested to stop by Morse lantern. Steamer signals "Not understood", tries to escape in the thick squall and sends out SOS "chased by submarir and position by radiotelegraphy. Gave "stop" signal by radiotelegraphy and Morse lantern.

Ran ahead. Fired 5 shots with machine gun C/30 across the bow.Steamer does not react. Turns partl (translator's note: the original reads: "ueber 9 Dez." - not clear) directly toward the boat.- Sends "Still chased".

Therefore, fire opened from aft bearing with 8,8 cm. English steamer "Blairlogie", 4425 tons. After 18 shots were fired and three hits the steamer stops. The crews boards the boats. Last message by radiotelegraphy: "Shelled, taking the boats". Fire immediately halted when an emergency light was shown and steamer stopped. Went to the life boats, gave an order to pull away toward the south. Steamer sunk by torpedo. Afterwards both ship crews supplied with Steinhaeger (translator' note: name of an alcoholic beverage) and cigarette 32 men in two boats. Red stars were shot until it became light. Since the American steamer "American Skipper" was nearby, we departed. Crew was rescued.

.....

Tabled May 10

Doenitz 57

H0658 - 0020

Excerpt

from

War Diary of the Naval War Command (Seekriegsleitung) 1939

(KTB Skl Part A 1939)

(War Diary Naval War Command)

21 September 1939
(Page 136)

1) Special: The British Ministry of Information announces that an English steamer, the name of which is being kept secret, fired two shots from her board artillery at a German submarine pursuing her. The submarine abandoned the pursuit.

2) The commanders of submarines which had returned report the following valuable experiences:

a) (...re traffic....)

b) English, partly also neutral steamers strong zig-zags, partly dimmed lights. English steamer when stopped, immediately radioed SOS with exact position. Thereupo commitment of English planes to fight submarines.

c) English steamers have repeatedly tried to escape. Some steamers are armed, one steamer returned fire.

d) Up to now no misuse of neutral steamers found.

e) (...escort...)

Read Capt. May 10

D 662 - GB 222 -

Excerpt

from

War Diary of the Submarine U 30

14 Sept, Qu. A M 4459

wind 2, visibility good

swell, low

clouds

1152 Smoke clouds. Steamer in strong zig-zag. Eastern course. Ran toward her. When recognizes, turns to counter course and signals S-O-S.

1220 English steamer "Fanad Head", 5200 tons bound for Belfast.

1223 Pursued at full speed. Since steamer does not react to ordo to stop, a shot fired across her bow from a distance of 2000 meters. Steamer stops. Crew takes to the boats. Boats pulled out of the danger zone. Went to ship. Intention is to sink by blowing up and opening bottom vales. At the same time examination and supplementing provisions.

Prize party: Lieutenant j.G. Hinsch, "Obermaschinist" Buesgen, "Maschinen Mt." Schmidt and "Maschinen Obergefreiter" Ohse.

Dinghy brought back and forth between ship and submarine by stream-cable (Wurfleine).

Intention: To be able to extend the operative activity by saving torpedos and supplementing our provisions, since the fuel supply is sufficient.

Air raid alarm. Alarm dive by the stern (Achtersteven) with full speed reverse since bow was pointed at steamer. "Ob. Btsmt." Hanisch who stood on the forecastle was left outside. He swam to the steamer. 5 bombs within 10 m. No damage. Submerged to a depth of 30 meters. Periscope depth. Look around. Notice that dinghy with stream cable (90 mete had gotten hooked to the submarine

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Is dragged along. Surfaced. Cut the stream cable. Low-flying planes. More bombs. Submarine is free from dinghy. Intention: Take over prize party, by going alongside under water and blowing (anblasen) when plane is on lee. Apparently 3 planes. 2 attempts fail. Bombs and machine-gun fire. At the third attempt success in bringing up alongside "Fanad Head". Let in water preparatory to diving.

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At the second attempt already prize party recognized intention and jumps into the water. Within the shortest time 5 men are aboard. 2 Englishmen who still are standing on deck hesitate, but jump when I call over to them that the "Fanad Head" would immediately be torpedoed. 2 English officers, both rescued. New attack. Submerged withdrew 500 m. Sank steamer with torpedo G 7a. Stern shot, since bow was damaged when boat surfaced the last time and exten of damages cannot be surveyed,

Went to 80 meters (greatest depth 97 meters).

Until 2200 hours aircraft bombs and depth bombs. Pursued, apparently by 2 destroyers and 3 planes.

.....

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Filed May 10

Doenitz 58

Excerpt

from

War Diary of the Naval War Command, 1939

(K T B Skl Part A, Sept.1939)

24.9.39 Special:

BdU reports that on September 6 the English steamer "Manaar" on being told to stop by U-38 after a warning shot, tried to escape; steamer sent wireless report and opened fire from Hockgeschuetz. Withdrawn from ship only after 4-5 hits, then sank it.

22.9.39 English reports that when the English steamer "Akenside" was sunk, a German U-boat had been rammed by a fishing boat.

.....

Read May 10

Document C 191-GB 193

Excerpt

from

War Diary of the Naval War Command 1939

Berlin, 22 September 1939

Demands by the BdU

and military Possibilities of meeting same.

1.) B.d.U. intends to permit U-boats to sink without warning dimmed out vessels.

.....

2.) The BdU demands, firstly to protect its own U-boats, and also to intensify the merchant marine warfare, that all merchant marine vessels using wireless when ordered to stop, should be sunk without warning.

The demand of the BdU is necessitated by the reports of returning U-boats. In almost every instance English boats on sighting U-boats have sent out wireless SOS calls and stated their position. Following these SOS calls by the ship, a certain time later, there always appeared English airplanes, which makes it positive that with the English it is a matter of a military measure and organization by an order. The SOS calls in connection with a given position may therefore be considered as military information, even as resistance. Some of the U-boats have acted accordingly and endeavored to silence the wireless by firing sharply at the bridge.

Since boats that have been positively recognized as English were condemned to be seized or sunk without search of the cargo, the use of wireless by neutral vessels when halted, must also be considered as a military communication. Since England too receives these SOS calls and subsequently its defense air force, the threat to the U-boats is apparent.

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Filed May 10, 1946

H0658 - 0026

_E_X_C_E_R_P_T_

from

War Diary by the Naval War Command, Part A, 1939

(KTB Skl, part A, 1939)

22.9.39
11.00 o'clock

Reviewing the situation by Chief Skl

.....

The repeatedly observed fact that British merchant vessels, when stopped by U-boats, send out wireless SOS calls for airplanes to combat the U-boats, and the ascertained fact that British merchant vessels are armed for the purpose of combatting U-boats and the necessity to consider dimmed vessel as enemy vessels, compel us to intensify the merchant marine war. According to declarations by A.A. there is no objection to such intensification. Chief Skl will report on this matter also to the Fuehrer.

24.9.39
15.30 o'clock

Based on the Fuehrer's approval, Groups and BdU received the following order:

.....

4) Against all merchant vessels using wireless when ordered to stop, force of arms should be employed. They are subject to seizure or sinking. Rescue of crew is advised.

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Filed May 11 1946

Doenitz 60

Excerpt

from

"Documents on Rules of Naval Warfare"

1. September 1939 to 31 August 1940

Compiled by

High Command of the Navy, 1. Sec. Naval warfare.

Page 245

272.

Declarations by the British First Lord of Admiralty of 26 September 1939 in the House of Commons on the arming of British Merchant Marine Fleet. 1)

Our second reply to the U-boat attack is to arm all our merchant vessels and fast liners with defensive armament against both the U-boat and the aeroplane. For a fortnight past armed ships have been continually leaving the harbours of this island in large numbers. Some go convoy, some go independently. This applies not only to the United Kingdom, but to our ports all over the world. Thus in a short time the immense Merchantile Marine of the British Empire will be armed. As we usually have 2000 ships on salt water every day, this is a considerable operation. However, all the guns and equipment are ready at the various arming stations, together with a proportion of trained gunners to man them and to instruct the ordinary seamen. Let me pay my tribute to the care of my predecessors at the Admiralty, who have provided so well for this contingency.

1) Parl. Deb. House of Commons Vol. 351, Col. 1240

Filed May 11, 1946

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Excerpt

from

War Diary of the Naval War Command 1939

(KTB Skl Part C File VIII, 1939)

.....

28.9.39.

In order to caution neutral navigation to refrain from using the wireless, dimmed travel and other suspicious conduct, the following telegram has been despatched to the Missions on request of the Naval War Command of the Foreign Office:

"Please notify immediately the Government there of the following:

Neutral merchant vessels at sea in territories around England and France have repeatedly tried to prevent that German armed forces from exercising their internationally guaranteed right to stop and search; furthermore by their improper conduct they often created suspicion of an attempted attack or other unneutral actions. The Reichsgovernment, therefore, requests that you instruct merchant vessels sailing into the above mentioned waters that for their own good, and in order to prevent being mistaken for enemy battle ships or their aids, particularly at night that they avoid any suspicious conduct, for example changing the course and using wireless at sighting German naval forces, zigzagging, dimmed lights, ignoring demands to halt, accepting the escort of the enemy, etc.

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The warnings against other suspicious conduct are justified by experiences during the world war, when due to careless conduct on the part of neutral merchant vessels, more often regrettable incidents occurred. German U-boats had to take into account then, and today again they must reckon with tricks played by U-boats which appear camouflaged as neutral vessels, and on an attempt by the U-boat to apply legal booty prize measures against the merchant vessel, unexpectedly attack it. A turn by the merchant vessel toward the U-boat, a quick turning maneuver or other suspicious movements by the merchant vessel may be construed by the U-boat as preparation for an attack (for example, an attempt to ram) and induce it to open fire on the merchant vessel.

H0658 – 0030

Rejected

Doenitz 60

Excerpt

from

"Documents on Rules of Naval Warfare"

1. September 1939 to 31. August 1940

Compiled by

the High Command of the Naval Forces

1 sec. Naval War command

Page 13

14.

Note of the American Secretary of State, dated 6 October 1939, to the German chargé d'affaires at Washington, in reply to his Note of 30 September 1939[1], relative to the conduct of neutral merchant marine vessels in the sea territory around England and France 2).

I am in receipt of your note dated 30 September advising that neutral merchant vessels take certain precautionary measures for their own protection, in certain territories. Before receipt of this Note, the Government has already taken thorough precautionary measures by instructing the captains of American merchant vessels to avoid suspicious conduct. The special character of these measures should, in any event, exclude the possibility that naval officers, exercising common care, should fail to recognize the nationality and the neutral character of any American vessel. Moreover, I wish to point out that American merchant vessels are prohibited by law to be armed.

Therefore, the Government of the United States feels certain that it may expect that the governments of the warring nations will exercise special care in respecting the neutral rights of its ships and its citizens, and shall insist on its rights arising from a violation of same.

1) To contents of this note see wired decree of 29 September 1939 above Nr. 7

2) As per official notice.

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Filed May 11, 1946

Doenitz 62

EXCERPT

from

War Diary of the Naval War Command 1939

(ETB Skl part C file VIII, 1939)

Enclosure 56

. . . . . .

Berlin, 19.X. 1939

Telegram

appendix to Wired Decree of 29. 9. 39.

According to an assertion spread by the English, there is greater security for neutral merchant vessels to go convoy with English battleships, and it does not constitute violatio of neutraltity. In this regard please inform the Government there of the following:

English or French convoys will be combatted by the Germa Navy with force of arms. German action will be directed not only against escorting battleships, but without exception against all escorted vessels. This conforms to generally adopted rules of sea warfare. It should be pointed out again at this time that all neutral merchant vessels, including passenger boats, appearing with dimmed lights, are in danger of being mistaken for enemy war ships or auxieliary warships, and therefore are running the risk of being destroyed. Wire report that this has been carried out.

Signed Weizsaecker

To German Embassy: Ankara, Brussels, Buenos Aires, Madrid, Moscow, Shanghai, Rio de Janeiro, Rom (Quir) Santiago Chile, Tokio. German Legation: Asuncion, Athens, Bangkok, Belgrade, Bern, Bogota, Bucharest, Caracas, Dublin, Guatemala, Haag, Havana, Helsinki, Hainking, Copenhagen, Cowno, Lima, Lisbon, Mexico, Montevideo, Reval, Riga, Sofia, Stockholm, Teheran, Oslo, Panama, Quito.

The German Consul General Batavia.

The German Consul General Reykjavik.

H0658 - 0032

Fild May 11, 1946

Excerpt

from

War Diary of the Naval War Command 1940

(ETB Skl Part C File VIII 1940)

30.3.40

The Danish Ministry of Commerce issued a circular to all owners of merchant vessels declaring anew that the ship captains are under obligation to follow strictly decreed travel regulations in order that those at war have no reason for interference.

This letter forbids:

a) To use the wireless when armed forces of the navy or of the air are sighted

b) To dim out light

c) To travel in zigzag fashion

d) To make changes in course which may seem unreasonable to those at war.

H0658 - 0033

Filed May 11, 1946

Excerpt

from

War Diary of the Naval War Command 1939

(KTB Skl part C, file VIII, 1939)

2 October 1939
0040

Order by Skl to the Front:

Inasmuch as on the English and French coasts, when encountering dimmed vessels, it must be assumed that they are battle ships or auxiliary battle ships, full armed commitment is approved against dimmed vessels in the following territories:
Between 44 N and 62 N and between 7 W and 3 East.

Excerpt

from

War Diary of the Commander of U-boats West 1939

(KTB FdU West October 1939)

2 October 1939

All submarines are instructed by wireless 0810 that full armed commitment is approved against dimmed vessels between grade 44 and 62, grade 7 West and 3 grade East.

H0658 - 0034

Filed May 11, 1946.

101

Doenitz 60

E x c e r p t

from

"Documents on Rules of Naval Warfare"

1 September 1939 to 31 August 1940

Collected by

the High Command of the Navy

1 Par. Naval Warfare Command

Page 245

273.

DNB - Announcement of 4 October 1939 regarding the aggressive behavior of British Cargo Vessels aginst German Submarines. 2)

The British Admiralty on 1 October circulated the following warning among the British merchant marine:

" Within the last few days some German U boats have been attacked by British merchant marine vessels. In this connection the German radio announces that the German U boats have so far observed rules of international law in warning the merchant marine vessels before attacking them.

Now, however, Germany wishes to retaliate by considering every British merchant marine vessel as a battleship. While the first mentioned fact is absolutely untrue, it may indicate an immediate change in the German policy of submarine warfare. Be prepared to meet it.

The Admiralty

H0658 – 0035

In supplement to this, on the evening of 1 October the British Admiralty circulated the following warning:

"The British Admiralty announces that the German submarines are pursuing a new strategy. The English boats are called upon to ram every German submarine.

.....

2) German News Agency (DNB) 4 October 1939

H0658 - 0036

Exhibit May 11, 1946

Doenitz 65

Excerpt
from
War Diary of Command of Naval Warfare 1939
(KTB Skl C Volume VIII 1939)

4 October 1939 18.00 hours order of the Command of Naval Warfare to Front: Immediate full employment of all available weapons is permitted for submarines against merchant marine vessels of enemy nationality of which it can be noticed without a doubt that they are armed, or of which the fact that they are armed, based on conclusive evidence has been announced to the Command of Naval Warfare. As far as circumstances permit, measures are to be taken to sav the crew after every possibility of danger for the submarine has been eliminated. Passenger ships which are not used to transport troops are now as before not to be attacked, even if they are armed.

Excerpt
from
War Diary of the Command of the Submarines West 1939
(KTB for submarines West October 1939)

4 October 39
21.00 hours Receipt order 1 Command of Naval Warfare concerning full employment of all available weapons against armed merchant marine vessels o those merchant marine vessels which are announced as armed due to evidence of the Command of Naval Warfare. It is still prohibite to sink passenger boats.

21.16 hours Wireless transmission to all boats of the text

H0658 - 0037

Rec'd May 11, 1946

D 642 - GB 196

Excerpt

from

Standing War Order No. 171

Experiences and Obersvations

1. Employment of enemy air force against submarines.

.....

2. Security of submarines in coastal waters.

.....

3. Fight against submarines.

.....

4. Tactics of enemy merchant marine vessels.

The British Navy has received the following instructions:

a) to fight every German submarine with all means, to ram it, or to attack it with water bombs if properly equipped.

Equipment for water bombs has already been noticed several times on their merchant marine vessels.

b) The boats should go through the coastal waters at night, incoming boats should be outside the port of destination at dawn.

5. Traps for submarines and deceptive measures.

a) It has been proved that there are submarine traps. Boats of any kind and size may have been altered for this purpose. Their co-operation with planes and speed boats has been observed.

H0658 - 0038

b) It has been observed in quite a few cases that merchant marine boats try to be deceptive as to their route and size by changing the place of their masts and shiplights and it has been observed that they protect their bridges against artillery fire with sand bags.

signed: Doenitz

H0658 – 0039

Filed May 11, 1946

Doenitz 66

Excerpt

from

War Diary of Command of Naval Warfare 1939

(KTB Skl Part C Volume VIII 1939)

17 October 1939 According to the BdU the following order has been issued at 15 o'clock:

"Submarines are permitted immediate, full employment of weapons again all merchant ~~ships~~ vessels ... which are recognized beyond doubt as being of enemy nationality, as in any case the attempt to ram or other active resistance is to be expected. Exception are still passenger boats of enemy nationally.

H0658 – 0040

Part of

Doenitz 62

Excerpt

from

War Diary of the Command of the Naval Warfare 1939

(KTB Skl. Part C. Volume VIII, 1939)

Exhibit 56

.....

Copy R 25440II

Berlin 22 October 1939

Telegram

German missions in other neutral countries received the following telegraphic order:

In supplement to telegraphic order of 19 October.

Please advise also the local government as follows:

The German government has previously asked the local government to warn the merchant marine vessels of their country not to act in such a manner as to affect the justified use of arms. According to previous experiences such tacticsare certainly to be expected from English and French boats, particularly sailing in convey, inadmissable use of wireless, dimmed out lights and beyond that armed resistance and attacks. Since the German government would regret it very much if during battles resulting therefrom citizens of neutral states should be hurt, it wants to call this fact to the attention of local government and ask that it warn its citizens against sailing on English and French boats.

As the American law of neutrality already provides for this, leave it up to you to advise government there in manner considered suitable.

signed: Weizsaecker

H0658 - 0041

Doenitz 67

Excerpt

from

the Answer of the British Admiralty, dated 7 March 1946 to telegram of British Prosecution Delegation BWCE/N/ SIG/I-448 dated February 25, 1946.

.....

Refrring to paragraph 2 I must advise you that no secret orders of the admiralty had been issued to the merchant marine vessels and therefore are of no importance to the case in questions, with the exception of the following point: From May 1940 until the end of the war my office issued instructions to the merchant marine vessels in form of instructions of the admiralty, but these were only supplements to the already existing instructions for captains and officers as contained in the manual 1938 about the defense of merchant marine vessels. On the whole, most of the instructions which are related to the questions brought up by the defense are contained in this manual and have not been changed in any way during the years 1939 and 1940. Although in the telegram of the British War Crimes Commission only secret orders of the admiralty were requested, my office is of the opinion that, wherever suitable, excerpts from the manual should also be quoted.

Excerpt

from

Defense of Merchant Shipping Handbook 1938

(DMS)

D.M.S. 3 1 55

Report on Sighting the Enemy.

As soon as the captain of a merchant marine boat sights an enemy boat or plane, his first and most important duty is to report via wireless, on the type and position of the enemy. Such a report may, if submitted quickly, perhaps not only save the boat but also many others. This might give a chance- which perhaps will never return - to destroy the attacker with one of our battle ships or planes. In part 2 chapter 6 explanation is given as to how and at which time such report on sighting of enemy has to be given. Captains and officers must be familiar with this chapter.

D.M.S. Part II 6 1 150

The Importance of the Reports.

(a) In part I chapter 3 it has already been pointed out how important it is that the individual merchant marine vessel report via wireless the sighting and position of the enemy battle ships and planes which are sighted by the boats. This message must be given, according to circumstances either as "report on sighting of enemy" or as S.O.S.

(b) Reports on sighting of enemy and S.O.S. may be given only upon personal order of the captain or the officer on guard.

(c) It is important that such messages be transmitted as quickly as possible. There might be a battle ship close by which, if advised in time, may save other ships or engage the enemy.

H0658 - 0042

H0658 - 0043

D.M.S. 2 VII

Prerequisits for opening fire.

(a) Against hostile actions in accordance with International Law. - Since armament is intended only for the purpose of self-defense it can only be used against an enemy who is obviously trying to capture or sink the merchant marine vessel. Upon the outbreak of war it must be assumed that the enemy will act according to international law and, therefore, fire must not be opened as long as it is not evident that the enemy is attempting to capture the boat. As soon as it is clear that resistance has to be made in order to avoid capture fire is to be opened.

(b) Against actions of the enemy violating International Law. - If, while the war goes on it should unfortunately be found, that the enemy has gone over to the policy of attacking boats without warning in violation of international law, it will be permissible to open fire against enemy boats, submarines and planes, even if those have not attacked or asked for surrender, if such an action is apt to prevent the enemy from gaining an advantageous position for an attack.

Excerpt from

Admiralty Merchant Shipping Instructions (AMSI)

A.M.S. I. 118 13 June 1940

Measures against submarines upon sighting.

With reference to D.M.S. Part I article 53 it is now considered a fact that the enemy has gone over to the policy of attacking merchant marine vessels without warning as part of submarine and plane operations. The instructions in the second paragraph (b) of this article are therefore to be considered as being valid Exceptions are enemy surface battle ships, as so far it has not been proved that these ships attack in violation of the International Law.

A.M.S.I. 262 19 December 1940

Unlimited Naval Warfare.- The enemy now proceeds in disregard of International Law.

1. With reference to article 53 of the DMS (defense of merchant marine vessels) Part 1 it is now clear that the enemy has gone over to the policy of attacking merchant marine vessels without warning in the warfare of the submarines, speed boats and planes. Battle ships and camouflaged merchant traffic intercepting vessels proceed in a similar manner and captains of boats must be constantly on the alert. The weapons on board intended for defense must be ready to fire immediately, as soon as a foreign vessels comes into sight.

2. When opening fire the captains of the ships should take into consideration the instructions of the second paragraph (b) of the above article and the special instructions or limitations which are published from time to time in order to avoid danger for friendly boats and planes.

H0658 - 0044

D.M.S. 3 III

65) Tactics during an attack by an U-boat on the surface.

a) General: No British merchant ship should ever simply surrender to a U-boat. She should do her utmost to escape. A ship making a vigorous attempt to escape has an excellent chance.

b) .....

IV. Ships with defensive armament should open fire to keep the enemy at a distance, if in your opinion he intends capture and if he comes near enough to endanger any attempt for flight. Fire should also be opened if the enemy opens fire on the ship.

.....

67) Tactics during an attack by a submerged U-boat.

a) If it is known that the enemy is torpedoing ships without warning an a U-boat periscope is sighted, it must be assumed that a torpedo attack is imminent whether torpedo wakes are seen or not.

b) Immediate measures:

On sighting a torpedo wake or a periscope, let the ship run with "full speed ahead", maneuvering her in such a way that the attack is thwarted as follows:

I. When a persicope is sighted from the bow or when the approach of a wake has been noticed from the bow, the ship has to steer toward the periscope or toward the spot the torpedo seems to be coming from.

H0658 - 0045

REFERENCE LIST

From: Director of the Trade Section in the English Admiralty

To: compare enclosures

Date: 14 September 1939

The following instructions have been sent out to all W.P.S.'s.

It has now been decided to provide all merchant ships of 12 knots or greater speed which are armed with protective weapons, with a single depth charge chute with hand release and 3 charges. Mechanism similar to those which are now to be found on auxiliary cruisers (A.M.C.'s) are to be built in, in fact complete with "Radkastengallerie" (if necessary) and "Juette" exactly following the drawings in the separate envelope.

These preparations are to be made in time, so that no delay occurs in the sailing of the ship, but it is not to have priority above the installation of the guns.

You are requested to get in touch with the operating personnel of arm merchant ships before the installation of the depth charge mechanism.

Further instructions regarding the training of crews in the use of underwater bombs will be forthcoming later on.

(signed) R.P. Selby, Commander

for the director of the Trade Section.

Distribution:

Commanding flag officers
London, Southampton, Cardiff, Liverpool, Belfast, Glasgow, Newcastle, Hull
Commanding naval officers
Falmouth, Avonmouth, Swansea, Leith, Sunderland, Middlesborough.
The D.E.M.S. officers:
London, Southampton, Falmouth, Avonmouth, Cardiff, Swansea, Liverpool, Bel
Glasgow, Leith, Newcastle, Sunderland, Middlesborough, Hull

H0658 - 0046

Fld May 11, 1946

H0658 - 0047

Excerpt from the war diary of the commander of U-boats 1939

(KTB BdU September 1939)

4 September 1939

Wireless from the naval war command (Skl) to all U-boats: "On the
2353 Fuehrer's order no enemy action against passenger ships for the time being even when in convoy". A definition of the term passenger ship is not given. I also consider it as impossible in any form useful for the commanders.

Excerpt from the war diary of the naval war command 1939

(KTB Skl Part A Sept.1939)

10 Sept. 1939

(V-man and B-service reports on alleged troop transports between England - France and Africa - French Atlantic coast).

23 Sept. 1939

The English liner "Queen Mary" is supposed to sail in about a week from New York to England with English reservists. (the liner would be painted grey)

Excerpt from the war diary of the naval war command 1939/1940.

(KTB Skl part C, issue IV, 1940)

Instructions to the U-boats in regard to the waging of trade warfare and their military effect during the time from October to mid-November 1939.

P.3: As the enemy passenger liners are extensively used for transport service and therefore any further sparing of these ships, insofar as they are convoyed, could not be justified any more, the following was ordered on 29 October: "Full use of armament against passenger liners if found in enemy convoys" (KTB Skl Part C, issue VIII 1939)

29 Oct. 1939 The naval war command has issued the following order to the groups and to the commander of U-boats:

Passenger liners in enemy convoys are to be subjected to immediate full use of armament by U-boats.

Excerpt

from

the "Voelkischer Beobachter", Munich edition of 14 November 1939. 35 armed British and French passenger ships.

Amsterdam, 13 November

The arming of the English merchant fleet, announced by Churchill in Parliament, has meanwhile been carried out on an extensive scale. Besides freighters, numerous passenger ships have also been equipped with guns. France has followed the English example by taking similar steps in arming her merchant fleet. We are publishing herewith a list of English and French passenger ships whose armament is known. The list will be completed later on.

a) Armed British passenger ships:

Alaunia 14030, Alcantarn 22209, Almanzora 15551, Almedo Star 14900, Aquitania 45647, Anselm 5954, Baltrover 4916, Britannia 8799, Cameronia 16297, Capetown Castle 27000, Dilwara 11080, Dunvegan Castle 15000, Dunano 809, Empress of Russia 16810, Georgia 27759, Highland Brigade 14133, Haig Rose 1117, Kanimbla 10985, Leo Dawson 4330, Mauretania 33000, Queen Mary 80774, Rajputana 16644, Rawaldpindi 16997, Stoffordshire 10613, St. Lindsay, 5370, Scythia 19761, Seaforth 4199, Talma 10000.

b) Armed French passenger ships:

Athos 2/15276, de Grasse 18435, Defirade 9645, Kerquelen 10123, Mexique 12200.

Excerpt from the "Voelkischer Beobachter", Munich edition, 20 November 1939

In addition to the list published on 14 November concerning the armament of enemy passenger ships, we are again publishing a list of ships whos armament has become known.

.....

Excerpt from the "Voelkischer Beobachter", Munich edition, Tuesday, 5 December 1939.

It was possible to publish during the month of November two extensive lists of armed enemy merchant ships, particularly passenger ships. We are again in the position to launch a publication concerning armed enemy merchant ships.

H0658 - 0048

Filed May 11, 1946

H0658 – 0049

Doenitz 70

Excerpt from the war diary of the naval war command 1939.

(KTB Skl, Part C, issue VIII, 1939)

17. November 1939 The naval war command has issued to the U-boat commander the following order:

"Immediate and full use of weapons against all clearly enemy passenger ships, whose armament is detected or is already known of, is permitted to U-boats."

A list of enemy passenger ships hitherto known to be armed will be sent to the U-boat commander by a special teletype message.

Constant additions to the list are proposed.

(List in document III 8)

Filed May 11, 1946

H0658 - 0050

Excerpt from the war diary of the naval war command 1940.

(KTB Skl, part C, VIII, 1940)

23. Feb. 1940. The full and immediate use of weapons is permitted to U-boat against passenger ships which are dimmed at night to the position lights and carry no neutrality signs, so far as they are met in the area where combatting ships with dimmed lights is permitted.

.....

Rejected E.

Excerpt from the Reichsgesetzblatt 1939, Part I,

2nd half year.

Page 1585:

Prize ordinance

of 28 August 1939.

.....

Seite 1588

Fourth Section

Contraband

Nature of contraband

Article 22

(1) As contraband (absolute contraband) are to be considered all objects and materials, which:

a) directly serve land, sea or air armament

b) are destined for enemy territory or are enemy fighting forces.

(2) It makes no difference whether a direct delivery is intended or transportation overland will be necessary.

Article 23

The enemy destination of the absolute contraband (Article 22, par. I, No. 2) is considered proved:

1. if the goods are, according to the documents, to be unloaded in an enemy port or are to be delivered to the enemy fighting forces;

H0658-0052

2) if the vessel is only going to enemy ports;

3) if the vessel is going to touch an enemy port or join an enemy fighting force before she reaches the neutral port for which the goods are destined according to the documents.

Article 24

1) As contraband (conditional contraband) are furthermore to be considered all objects and materials which:

   a) could be made use of for belligerent or peaceful purposes and which are included in one of the lists published by the Reich government and

   b) are destined for use by the enemy fighting forces or the administrative offices of the enemy state.

2) Assuming a similar attitude on the enemy's side, the objects and materials referred to in paragraph 1 would not be considered contraband if they are to be unloaded in a neutral port.

3) Paragraph 2 is not applicable if the enemy state has no sea frontier.

Repeated to 197 ind.

Doenitz 60

Excerpt

from

"Documents on Rules of Naval Warfare."

From 1 September 1939 until 31 August 1940

Compliled by

the High Command of the Navy

Division I Naval War Command (Seekriegsleitung)

Page 31:

39th

Contraband Proclamation of the British King of 3 September 1939[1)]

By the King.

A Proclamation

specifying the articles to be treated as contraband of war.

George R.I.

Whereas a state of War exists between Us, on the one hand, and Germany on the other:

And whereas it is necessary to specify the Articles which it is Our intention to treat as Contraband of War:

Now, therefore, We do hereby Declare, by and with the advice of Our Privy Council, that during the continuance of the War, or until We do give further public notice, the Articles enumerated in Schedule I hereto will be treated as Absolute Contraband, and the Articles enumerated in Schedule II hereto will be treated as Conditional Contraband:-

Schedule I.

(a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds; all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles or animals necessary

H0658-0053

H0658-0054

or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

(d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

Schedule II.

(e) All kinds of food, foodstuffs, feed, forage, and clothing and articles and materials used in their production.

Given at Our Court at Buckingham Palace, this Third day of September, in the year of our Lord one thousand nine hundred and thirty - nine, and in the third year of Our Reign.

God save the King.

---

1) "The London Gazette" 1939, Page 6051 - An identical list of contraband articles was proclaimed by New Zealand in the Contraband Emergency Regulations 1939 (Dept. of State Bull. I (1939) Page 556) on 7 September 1939.

H0658-0055

E x c e r p t

from

Reichsgesetzblatt 1939 Part I 2nd half-year

Page 1751: Law Concerning the Amendment of the Prize Ordinance of 12 September 1939.

Endeavoring to spare the peaceful sea trade as much as possible, the Reich Cabinet, in the German Prize Ordinance of 28 August 1939 (Reichsgesetzblatt I Page 1585), designated as absolute contraband only those articles and materials destined for enemy territory or for enemy forces which directly serve the land, sea or air armament. After the British Government, however, set up a list of absolute contraband which goes far beyond this framework, the Reich Cabinet is obliged also to extend the field of absolute contraband.

Therefore, the Reich Cabinet has passed the following law, which is hereby proclaimed:

.....

H0658-0056

E x c e r p t

from

Reichsgesetzblatt 1939, Part I, 2nd half year

Page 1752:

Announcement

on Conditional Contraband.

Of 12 September 1939.

After the British Government has set up a list of conditional contraband and put on it foodstuffs and other vital goods, the Reich Cabinet is obliged to take corresponding steps on its part also.

Therefore, the following is announced:

Under the pre-suppositions of Article 24 of the Prize Ordinance of 28 August 1939 (Reichsgesetzblatt I, Pages 1585) the following articles and materials are regarded as contraband (conditional contraband):

Foodstuffs (including live animals),

Luxuries, forage, and clothing; articles and materials used in their production.

This announcement goes into effect on 14 September 1939.

.....

H0658-0057

Excerpt

from

"Documents for Naval Military Law"

from 1 September 1939 until 31 August 1940

Compiled by the

High Command of the Navy

Division I Naval War Command (Seekriegsleitung)

Page 32:

40.

DNB ("Deutsches Nachrichtenbuero" - German News Agency)-Announcement of 13 September 1939 concerning the British Contraband List 1).

In Germany there has now become known the list of goods proclaimed by the British Government and containing the articles which England wants to treat as contraband, in other words, the list of goods which England presumes to have her warships take as sea booty everywhere. Any ship of foreign nation which has such goods on board will in the future be sunk or robbed by British ships.

.....

The list contains a large number of articles intended for use by the civilian population, which England wants to make sea booty. For instance, al kinds of foodstuffs and fodder all articles of clothing as well as all articles used in their production and manufature are to be contraband. No kind of limitation is mentioned in any way.

That is, England hereby formally proclaims a hunger blockade against the women and children of all European countries.

.....

H0658-0058

The fighting German people's power to resist is in no way affected by this.

.....

It is different with the trade of neutral countries. This legal trade will now be destroyed by thies British step .....

.....

As far as Germany is concerned, she accepts the fight. Up to now in its naval warfare the Reich Cabinet, by its Prize Ordinance has complied strictly with the valid rules of law. This situation has now become obsolete through the breach of International Law by the English. The Reich Cabinet is forced to repay like with like and has thereofre amended its hitherto existing Prize Ordinance accordingly.

But the neutral countries affected by these German countermeasures know clearly who bears the sole responsibility for this development, which Germany did not want: England.

==========

1) DNB of 14 September 1939.

H0658-0059

Excerpt

from

"Documents on Rules of Naval Warfare"

From 1 September 1939 until 31 August 1940

Compiled by the

High Command of the Navy

Division I Naval War Command (Seekriegsleitung)

2.

Note of the German Government of 17 September 1939 to the French Government 2) in reply to the Declaration of British and French Governments of 2 September 1939 3) on the Principles of Warfare 4

The Reich Cabinet took cognizance of the joint declaration of the French and British Governments, in which these governments cite certain principles which they claim to want to observe in waging war, especially in waging aerial war.

.....

By the provisions concerning contraband proclaimed by it, the British Government, in gross contradiction to the solemn assurance contained in its declaration of wanting to spare the civilian population, has disregarded all recognized rules of naval warfare and has thereby formally commenced a hunger blockade against women and children.

.....

The German armed forces will also in the future remain true to the principles of chivalrous and humane warfare proclaimed by the Fuehrer. But the Reich Cabinet must/

H0658-0060

reserve the right to repay every breach of law committed by its enemies in a manner deemed suitable by it, and in regard to the war waged by England with the weapon of hunger blockade against women and children, to reply with those weapons which are available to it for this purpose and which will also show the enemy the horrible consequences of the method which he wanted.

- - - - -

2) The latter had at that time requested a reply of the German Government to the Declaration of the British and French Governments of 2 September 1939.

3) See below under No. 27

4) DNB of 18 September 1939.

H0658-0061

E x c e r p t

from

"D o c u m e n t s on R u l e s of N a v a l W a r f a r e."

From 1 September 1939 until 31 August 1940

Compiled by the

High Command of the Navy

Division I Naval War Command (Seekriegsleitung)

Page 59

83.

Announcement of the British Government of 10 September 1939 on the Establishment of Contraband Control Ports 2).

(Translation)

His Majety's Government in the United Kingdom, in the war which was forced upon it, endeavors with all its power to ease innocent neutral trade as far as is compatible with its goal of preventing contraband from reaching the enemy. It will be forced t maintain its rights as a belligerent power to the fullest extent, but it will be ready at any time to consider with good will all suggestions which may be advanced by neutral governments with regard to the easing of their bona fide trade.

2) For the purpose of carrying out its plan, His Majesty's Government has established contraband control stations in Weymouth Ramsgate, Kirkwall, Gibraltar, and Haifa. The ships which are boun for enemy territory or neutral ports and which have the possibilit of getting there (i.e.to the control stations) without, too great a detour, are urgently requested to enter the nearest control station voluntarily in order that their papers

H0658-0062

may be examined there and a certificate to facilitate the continuation of their journey may be issued if it is shown that they have no contraband on board. Every ship which does not voluntarily comply with this directive must expect to be escorted to a contraband control station if a proper examination by His Majesty's ships on the high seas is impracticable.

3) Every effort will be made to accelerate the examination of the ships, especially of those which undergo the examination voluntarily..... .....

.....

=======

2) According to an official communication. - This announcement was submitted to the neutral governments as a note on 11 September 1939.

H0658-0063

Rejected

Doenitz 72

E x c e r p t

from

War Diary of the Naval War Command (Seekriegsleitung) 1939

(KTB Skl Part C Issue VIII September 1939)

(War Diary Naval War Command)

22 Sept. 1939 .....

The contents of an English note addressed to Belgium become known, according to which the British Government declares:

1) that it is of the opinion that no neutral state can continue to deliver the following goods to one of the belligerent countries: metals, coal, petroleum, nitrates;

2) that an extension of the exchange of goods between Belgium and Germany will be considered by England as a breach of neutrality;

3) that England will not permit substitutions of other goods for the raw materials mentioned under 1);

4) that the transit of goods through Belgium to Germany is not to be tolerated by the government.

H0658-0064

Excerpt
from
"Documentson Rules of Naval Warfar

From 1 September 1939 to 31 August 1940
Compiled by the
High Command of the Navy
Division I Naval War Command (Seekriegsleitung)

Pages 35/36

44.

Note of Protest of the Soviet Russian People's Commissare for Foreign Affairs of 25 October 1939 to the British Ambassador in Moscow against the British Contraband List and Contraband Control 1).

(Translation)

In reply to the notes of the British Embassy of 6 and 11 September 1939 2) the People's Commissariat for Foreign Affairs has the honor to declare the following on behalf of the Government of the USSR:

1) By the unilateral designation by the British Government of the goods listed in the note of 6 September as contraband, the principles of International Law laid down in the International Declaration concerning the Law of Naval Warfare of 26 February 1909 are violated, heavy losses are inflicted on the interests of the neutral states, and international trade is destroyed. Since the British Government has put on the list of war contraband published by it, products and goods such as fuel, paper, cotton, shoes, clothing and raw materials for their manufacture and even a number of foodstuffs, such as grain, meat, butter, sugar, and other

H0658-0065

kinds of foodstuffs, it thereby designates the main articles of general consumption as contraband and creates the possibilities for complete arbitrariness in judging all articles of public consumption as war contraband. This infallibly leads to a serious disorganization of supplying the peaceful civilian population with vital articles; it constitutes a serious threat to the health and life of the population and leads one to anticipate incalculable want among the broad masses of the people.

As is known, the general principles of International Law do not permit women, children, and old people to be shot at by air attack. For the same reason the Soviet Government regards it as not permissible for the peaceful population to be deprived of foodstuffs, fuel and clothes by the designation of articles of public consumption as contraband and for children, women, old and sick people to be thereby exposed to all kinds of want and death by starvation. Therefore, the Soviet Government cannot declare its agreement with the British Government's note of 6 September and declines to concede any validity to this note.

2) Furthermore, the Soviet Government also declares that it does not agree with the British note of 11 September and that it does not concede any validity to this note, which announces the setting up of a system of searching merchant ships of neutral countries in ports especially designated by the British Government for this purpose, which action constitutes a unilateral step of the British Government. The Soviet Government regards it as a completely unwarranted and arbitrary

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demand that the abovementioned ships are compelled to enter these ports, a demand which is aggravated by the threat of taking the ships into these ports by force. Such measures overstep the principles of elementary freedom of merchant shipping. Nor do they conform with the international declaration of 26 February 1909 or with the decision of the International Court of Arbitration in the Hague of 6 May 19[illegible] in the case of the French steamer "Cartage".

At the same time the Soviet Russian Government must declare that the Soviet Russian merchant ships belong to the state and for this reason alone must not be subjected to any coercive measures applied to private ships. Therefore, the Soviet Russian Government reserves the right to demand of the British Government compensation for damages caused to Soviet Russian organizations, institutions, and citizens by the above-mentioned measures of the British Government and for actions of the British authorities.

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1) According to an official announcement.
2) As to the contents of this note see announcement of the British Government of 10 September 1939 under No.83.

H0658-0087

Excerpt

"Documents on Rules of Naval Warfare."

From 1 September 1939 to 31 August 1940 Compiled by the High Command of the Navy Division I Naval War Command (Seekriegsleitung).

Page 69:

98.

Note of the Netherland Minister in London of 29 December 1939 to the British Secretary of State for Foreign Affairs concerning the forced journey of Netherland ships through dangerous waters. 1)

.....

If a Netherland ship on a forced journey on the Thames, notwithstanding good navigation, should strike a mine and if as a result damage should be done to the ship, to the passengers or crew or the cargo, the Netherland Government would be in the necessity of holding His Majesty's Government responsible for the damage thus sustained.

The above likewise applies where Netherland ships are conveyed or deviated to other British ports where navigation is unsafe.

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1) Netherland Orange Book. April 1940, Page 24.

H0658-0068

Excerpt

"Documents on Rules of Naval Warfare."

From 1 September 1939 to 31 August 1940

Compiled by the

High Command of the Navy

Division I Naval War Command (Seekriegsleitung).

Pages 69/70:

99.

Note of the British Secretary of State for Foreign Affairs of 15 January 1940 to the Netherland Minister in London in reply to the latter's note of 29 December 1939 2)

.....

2) His Majesty's Government greatly regret that the measures of contraband control which they have been forced to take inevitably involve inconvenience to neutral shipping, and it is their earnest desire to reduce this inconvenience to a minimum. They would point out, however, that the risks to which Netherlands vessels may be exposed do not arise primarily from the fact of diversion to the Port of London, but from the illegal methods of warfare pursued by the German Government, and in particular so far as this case is concerned, the indiscriminate sowing of mines.

.....

2) Netherland Orange Book, April 1940, Page 25.

H0658-0069

Excerpt

from

"Documents on Rules of Naval Warfare."

From 1 September 1939 to 31 August 1940

Compiled by the

High Command of the Navy

Division I Naval War Command (Seekriegsleitung)

Page 70

100.

Note of the Netherland Minister in London of 28 February 1940 to the British Secretary of State for Foreign Affairs in reply to the latter's answering note of 18 January 1940.[1)]

.....

3) The Netherland Government solely desired to state that in their opinion certain zones of the British territorial waters may for some periods present increased dangers to neutral shipping as a result of acts of war committed there.

.....

5) If, on the other hand, His Majesty's Government, notwithstanding the greatly increased risks in certain areas of British territorial waters, continue to exercise their belligerent rights so that Netherland ships, which have a British pilot on board and which are most carefully navigated, founder, His Majesty's Government in the Netherland Government's opinion assume a responsibility, which is entirely their own.

6) The Netherland Government are confident that if in future highly increased navigational danger arises locally in British waters, His Majesty's Government will exercise their belligerent rights in such a manner as to cause no undue risk to Netherland shipping. They could otherwise be in the necessity of holding His Majesty's Government responsible for the damage sustained by Netherland shipping as a result of the exercise of the contraband control

1) Netherland Orange Book, April 1940, Pages 15 ff.

H0658-0070

Excerpt

from

"DOCUMENTS ON RULES OF NAVAL WARFARE"

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1 September 1939 to 31 August 1940

Compiled by

High Command of the Navy

1st Dept. Naval War Command

PP 317/318.

398

British Order in Council of 27 November 1939

Concerning the Imposition of the Export Blockade. 2)

Order in Council concerning Retaliatory Measures for a further Limitation of German Commerce.

At the Court at Buckingham Palace 27th day of No[v] 1939.

Present.

the King's Most Excellent Majesty in Council.

Whereas His Majesty has been compelled to take up arms against Germany in defense of the fundamental right of nations to a free and peaceful existence

And whereas German forces have in numerous cases sunk merchant vessels, British, Allied and neutral, in violation of the rules contained in the Submarine Protocol, 1936, to which Germany is a party:

And whereas merchant vessels, British, Allied and neutral, have been sunk by mines laid by German forces indiscriminately and without notification, in contravention of the obligations of humanity and the provisions of the Hague Convention Nr. VIII of 1907 to which Germany is a party:

H0658-0071

And whereas the sinking of these vessels has been effected without regard to their nationality or destination or to the nature; ownership or destination of their cargoes;

And whereas these acts have already resulted in grave loss of non-combatant life, British, Allied and neutral:

And whereas it is manifest that the German Goveernment have deliberately embarked on a policy of endeavouring to destroy all seaborne trade between the Allied and other countries by a ruthless use of the forces at their disposal, contrary to the laws and customs of war, the rights of neutrals and the obligations of humanity:

And whereas this action on the part of the German Government gives to His Majesty an unquestionable right of retaliation:

And whereas the Allies of His Majesty are associated with him in the steps now to be announced for restricting further the commerce of Germany:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows: -

1. Every merchant vessel which sailed from any enemy port, including any port in territory under enemy occupation or control, after the 4th day of December 1939, may be required to discharge in a British or Allied port any goods on board laden in such enemy port.

2. Every merchant vessel which sailed from a port other than an enemy port after the 4th Day of December, 1939, having on board goods which are of enemy origin or are enemy property may be required to discharge such good in a British or Allied port.

H0658-0072

3. Goods discharged in a British port under either of the preceding articles shall be placed in the custody of the Marshal of the Prize Court, and, unless the Court orders them to be requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Court. The proceeds of goods so sold shall be paid into Court.

.....

2) Stat. Rules and Orders 1939, No. 1709.

H0658-0073

Excerpt

from

"Documents on Rules of Naval Warfare".

1 September 1939 to 31 August 1940

Compiled by

High Command of the Navy

1st Dept. Naval War Command

Page 329.

407

Official German Declaration of 29 November 1939 on the Imposition of the Export Blockade 1).

The extension of economic warfare on export goods of German origin aboard neutral ships with neutral destinations constitutes a new violation of the recognized principles of International Law, especially to the Paris declaration on rules of naval warfare of 1856. This new violation of International Law affects the Neutrals just as much as it does Germany.

The German Government takes notice of the situation newly created by England and reserves for itself the right to take appropriate measures.

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1) DNB (German News agency) of 29 November 1939.

H0658-0074

Excerpt

from

"Documents on Rules of Naval Warfare."

1 September 1939 to 31 August 1940

Compiled by

High Command of the Navy

1st Dept. Naval War Command

Page 337.

417.

Note of Protest from the Soviet Russian People's Commissariate for Foreign Affairs of 10 December 1939 to the British Embassy in Moscow, against the Imposition of the Export Blockade 2).

(Translation)

.....

The Soviet Government is compelled to state on the part of Great-Britain new measures of economic warfare have presently been taken which in their nature are directed against the seaborne commerce of the neutral states.

.....

The new method of economic warfare introduced by decree of 28 November of this year is without precedent in the history of international relations and constitutes a further violation of the norms of International Law according to which nobody may prohibit the neutral countries from importing this or that merchandise required by them from the territory of warring states, regardless of its origin.

H0658-0075

The prohibition of transports of goods of German origin from one neutral port into another constitutes a similar violation of International Law.

Finally, the Soviet-Government regards as entirely arbitrary the demand stipulated in the decree of 28 November, according to which - regardless of the origin of the transported freight - ships leaving those neutral ports to which Germany has access have to pass through British or French ports for examination.

Consequent to the above mentioned reasons the Soviet-Government deems it necessary to protest the measures taken by virtue of the decree of 28 November 1939 which constitute a violation of the rights and interests of the neutral countries.

.....

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a) DNB. (German News Bureau) of 11 December 1939

H0658-0076

E x c e r p t

from

" Documents on Rules of Naval Warfare".

1 September 1939 to 31 August 1940

compiled by

High Command of the Navy

1st Dept. Naval War Command

Page 339

419.

Note of Protest of the American Embassy in London of 8 December 1939 to the British Foreign Office against the imposition of the export blockade. 1).

My Government regrets to note that the British Government has undertaken by Order-in-Counsel of 26 November to seize after 4 December 1939 all ships and goods coming from German and German occupied ports, and also all ships regardless of their port of origin, which have aboard freight originating from Germany or German owned property, and has further undertaken to demand that such loads be unloaded in British or allied ports and be placed at the custody of the Marshal of the Prize Court.

.....

Whatever may be said for or against such measures directed by one belligerent against another, - it is unlawful that such measures lead to an extension of the rights of one belligerent to neutral ships and their loads, or that such measures encroach in any other way upon the rights of neutral states or the citizens thereof.

.....

My Government feels obliged to request that the measures of the British Government must not result in the disturbance of the legal commerce of its citizens and in the meantime reserves for itself and its citizens all appropriate rights if and insofar as these should be violated.

1) Dep. of State Bulletin Vol. I (1939) Page 651 f.

H0658-0077

Excerpt Document C 21 - GB 194-

from

War Diary of the Naval War Command (Seekriegsleitung) 1940

(KTB Skl Part A January 1940)

Page 54

9 Jan. Special political news.

.....

The American Government sent a new protest to England over the fact that the British contraband control forces the American ships into the zone of war and into a British control port. However, this protest has no political importance whatsoever since on the other hand American shipping most readily complies with all of England's measures of blockade.